

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-06 ISO-00 L-03 COME-00 HEW-02 TRSE-00

CIAE-00 INR-07 NSAE-00 FTC-01 PM-03 NSC-05 SP-02

SS-15 SSO-00 NSCE-00 USIE-00 INRE-00 /052 R

DRAFTED BY EB/IFD/OIA:TBRODERICK:DLS

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AF/C:RSTRAND (SUBS)

L/EB:SBOND (SUBS)

EB/IFD/OIA:DSTEBBING (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA IMMEDIATE

C O N F I D E N T I A L STATE 122993

E.O. 11652: GDS

TAGS: EINV

SUBJECT: GOZ MOVES TO CONTROL PHARMACEUTICAL SECTOR

REFS: A) KINSHASA 4302; B) KINSHASA 4301

1. DEPARTMENT AGREES THAT GOZ SHOULD BE MADE AWARE ASAP OF POTENTIAL PROBLEMS CREATED BY ITS PROPOSED COURSE OF ACTION, AND CONCURS WITH EMBASSY SUGGESTION PARA 6 REF A TO TAKE LISTS OF COMPANY QUESTIONS TO GOZ OFFICIALS AND TO RESTRICT EMBASSY COMMENTS TO GENERAL ISSUES. IN ADDITION, THERE ARE A FEW OBSERVATIONS WE WISH TO ADD TO THOSE MADE REFS A AND B.

2. WE PRESENTLY HAVE INSUFFICIENT INFORMATION TO DETERMINE WHETHER MAKING DCMP SOLE IMPORTER AND DISTRIBUTOR OF PHARMACEUTICALS, AND GIVING IT "CONTROL" OVER PRIVATE PHARMACIES IN ZAIRE, WOULD PROVIDE THE BASIS FOR A CLAIM UNDER UNDER INTERNATIONAL LAW. ACCORDINGLY, EMBASSY IS REQUESTED TO CONTINUE SEEKING CLARIFICATION OF GOZ PURPOSE
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IN REACHING ITS DECISION, AND OF MANNER IN WHICH DECISION

IS LIKELY TO BE IMPLEMENTED.

3. IF WE WERE TO DETERMINE GOZ ACTIONS TO BE SUBSTANTIALLY EQUIVALENT TO EXPROPRIATION, PAYMENT OF COMPENSATION MIGHT ENTAIL A SUBSTANTIAL OUTLAY OF FOREIGN

EXCHANGE FROM THE GOZ'S ALREADY SEVERELY LIMITED RESERVES. IN ADDITION TO CONSIDERATIONS OF FOREIGN EXCHANGE COST, THE GOZ MUST CONSIDER THE POSSIBILITY OF SERIOUS DISRUPTION TO THE IMPORTATION OF NEEDED PHARMACEUTICALS. IS THE GOZ AWARE THAT ONE LIKELY EFFECT OF ITS DECISION IS TO CAUSE VARIOUS PHARMACEUTICAL FIRMS WHICH MAY HAVE BEEN CONTEMPLATING EXPANDED AND DIVERSIFIED OPERATIONS TO RECONSIDER THEIR PLANS?

4. DEPARTMENT APPRECIATES EMBASSY'S TIMELY REPORTING, AND IS CONTINUING TO FOLLOW DEVELOPMENTS CLOSELY. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMPENSATION, DRUGS, IMPORT CONTROLS, FOREIGN INVESTMENTS, MEDICAL FACILITIES
Control Number: n/a
Copy: SINGLE
Draft Date: 27 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE122993
Document Source: CORE
Document Unique ID: 00
Drafter: TBRODERICK:DLS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750185-0331
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750515/aaaaanvr.tel
Line Count: 78
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 KINSHASA 4302, 75 KINSHASA 4301
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 29 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 AUG 2003 by ShawDG>; APPROVED <17 DEC 2003 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOZ MOVES TO CONTROL PHARMACEUTICAL SECTOR
TAGS: EINV
To: KINSHASA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006